



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Runge *et al.*

FILED: April 10, 2001

SERIAL NO.: 09/832,069

FOR: Mitochondrial DNA Damage as a  
Predictor of Coronary  
Atherosclerotic Heart Disease

§ ART UNIT: 1634

§

§ EXAMINER:

§

Goldberg, J.

§

§

§ DOCKET:

§

D6179CIP

§

The Honorable Commissioner of Patents and Trademarks  
**BOX NON-FEE AMENDMENT**  
Washington, DC 20231

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PATENT UNDER 37 CFR §1.321**

The owner, the Research Development Foundation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. Sections 154 to 156 and 173 of U.S. Patent 6,322,974 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent 6,322,974 B1 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 6,322,974 B1, as shortened by any terminal disclaimer filed prior to the present grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321,

#9  
CD

has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

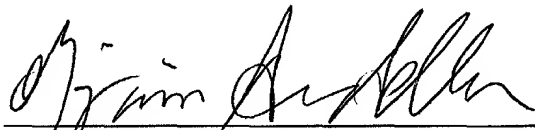
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

The Commissioner is hereby authorized to deduct the \$55 fee required under 37 CFR §1.20(d) and any additional fees which may be required from Deposit Account No. 07-1185.

Respectfully submitted,

Date:

Dec 16, 2002



Benjamin Aaron Adler, Ph.D., J.D.

Registration No. 35,423

Counsel for Applicant

ADLER & ASSOCIATES  
8011 Candle Lane  
Houston, Texas 77071  
(713) 270-5391  
badler1@houston.rr.com